

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
926 Tuscarora Road, 360' (+/-)
S of Winans Road
926 Tuscarora Road
2nd Election District
2nd Councilmanic District

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 92-195-A

Terri F. Clayman
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1801.2.C.6 (V.R.C.6) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a projection (deck) into a window to property line setback of 2.5 ft. in lieu of the required 11.25 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of December, 1991 that the Petition for a Zoning Variance from Sections 1801.2.C.6 (V.R.C.6) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a projection (deck) into a window to property line setback of 2.5 ft. in lieu of the required 11.25 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 12, 1991

Mr. Terri F. Clayman
9926 Tuscarora Road
Randallstown, Maryland 21133

RE: Petition for Residential Zoning Variance
Case No. 92-195-A

Dear Mr. Clayman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 897-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-195-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 9926 Tuscarora Road
Randallstown, Maryland 21133
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Without a variance, I can only build a deck that comes out 3 feet from my house and would not be big enough for a table and chairs. Since many of my neighbors have decks, I would like my house to be competitive with theirs and have comparable resale value.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Terri F. Clayman
AFFIANT (Handwritten Signature)
Terri F. Clayman
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of October, 1991, before me, a Notary Public of the State of Maryland, in and for the County of Howard, personally appeared

Terri F. Clayman
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and each oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

October 22, 1991
DATE

My Commission Expires

MY COMMISSION EXPIRES FEBRUARY 1, 1994

Zoning Description

92-195-A

Beginning at a point on the North side of Tuscarora Road which is 60.3 feet wide at the distance of _____ feet South of the centerline of the nearest improved street (Winans Road) which is _____ feet wide. Being lot #125, Block 24, Section #04 in the subdivision of Twelve Trees as recorded in Baltimore County Plat Book #44, Folio #59, containing 0.0363 acres. Also known as 9926 Tuscarora Road and located in the #02 Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2-11-11 Date of Posting: November 26, 1991
Posted for: Lawrence E. Schmidt
Petitioner: Terri F. Clayman
Location of property: 9926 Tuscarora Road, 2nd Election District
Location of Signs: 9926 Tuscarora Road
Remarks:
Posted by: J. J. Clayton
Number of Signs: 1

receipt

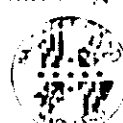
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

DATE: 11/04/91

	QT	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (FRL)	1	\$25.00
080 - POSTING SIGNS / ADVERTISING	1	\$25.00
TOTAL		\$50.00
LAST NAME OF OWNER: CLAYMAN		
DA4048027HICRC		\$60.00
BA C003738P411-04-91		

Please Make Checks Payable To Baltimore County

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 12, 1991

Mr. Terri F. Clayman
9926 Tuscarora Road
Randallstown, Maryland 21133

RE: Petition for Residential Zoning Variance
Case No. 92-195-A

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Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-195-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described as the description and plot attached hereto and made a part hereof, petition for a Variance from Section

Section 1801.2.C.6 (V.R. 6.6) and 301.1 to permit a projection (deck) into a window to property line

setback of 2.5 feet in lieu of the required 11.25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty)

Without a variance, I can only build a deck that comes out 3 feet from my house and would not be big enough for a table & chairs. Since many of my neighbors have decks, I would like my house to be competitive with theirs and have comparable resale value.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Terri F. Clayman

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

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City/State/Zip Code

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11 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
22nd day of October, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Hagan
James E. Hagan
Chairman,
Zoning Plans Advisory Committee

Petitioner: Terri F. Clayman

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 25, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Mass Transit Administration, Item No. 183
Clayman Property, Item No. 222
Durkee Property, Item No. 223
Blevins Property, Item No. 228
Copingier Property, Item No. 229
Griffith Property, Item No. 230
Sargent/Smith Property, Item No. 232
Starrett Property, Item No. 234

In reference to the Petitioners' request, staff offers no
comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/rdn
ITEM183/TXTROZ



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 847-4500

NOVEMBER 25, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: TERRI F. CLAYMAN
Location: #9926 TUSCARORA ROAD
Item No.: 222 Zoning Agenda: NOVEMBER 19, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* Noted and Approved *Terri F. Clayman*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Robert W. Long

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: December 2, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 19, 1991

This office has no comments for item numbers 183, 222, 223, 224, 227
and 228.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd



111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 14, 1991

887-3353

Terri F. Clayman
9926 Tuscarora Road
Randallstown, Maryland 21133

Re: CASE NUMBER: 92-195-A
LOCATION: 8/5 Tuscarora Road, 360' (+/-) S of Klans Road
9926 Tuscarora Road
2nd Election District - 2nd Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
receipt for the administrative process.

1) Your property will be posted on or before NOVEMBER 24, 1991. The closing date is DECEMBER 9, 1991.
The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the
closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order
will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that
the matter be set in for a public hearing. You will receive written notification as to whether or not your
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers.
Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

Terri F. Clayman
9926 Tuscarora Road
Randallstown, MD 21133
November 16, 1991

0516-92

11/16/91

8

TO 65

Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

92-195-A

The following pictures are pertinent to case number 92-195-A. These
pictures are similar to the one I have planned to build and are located
immediately surrounding my property.



This picture shows my backyard,
as well as my next-door neighbor's
yard and deck (9924 Tuscarora Rd)

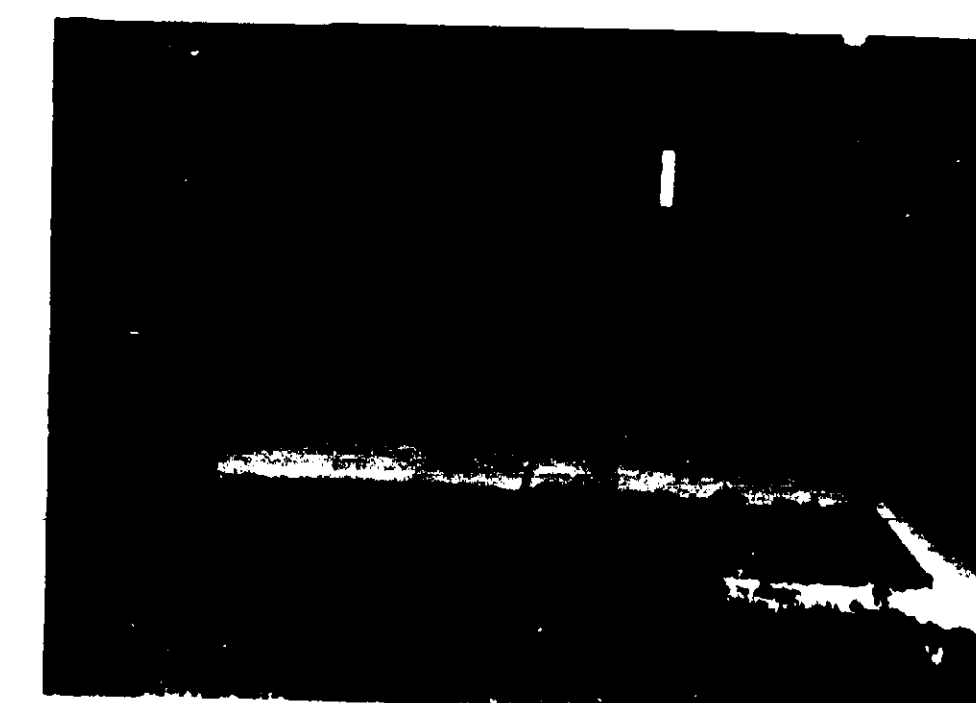


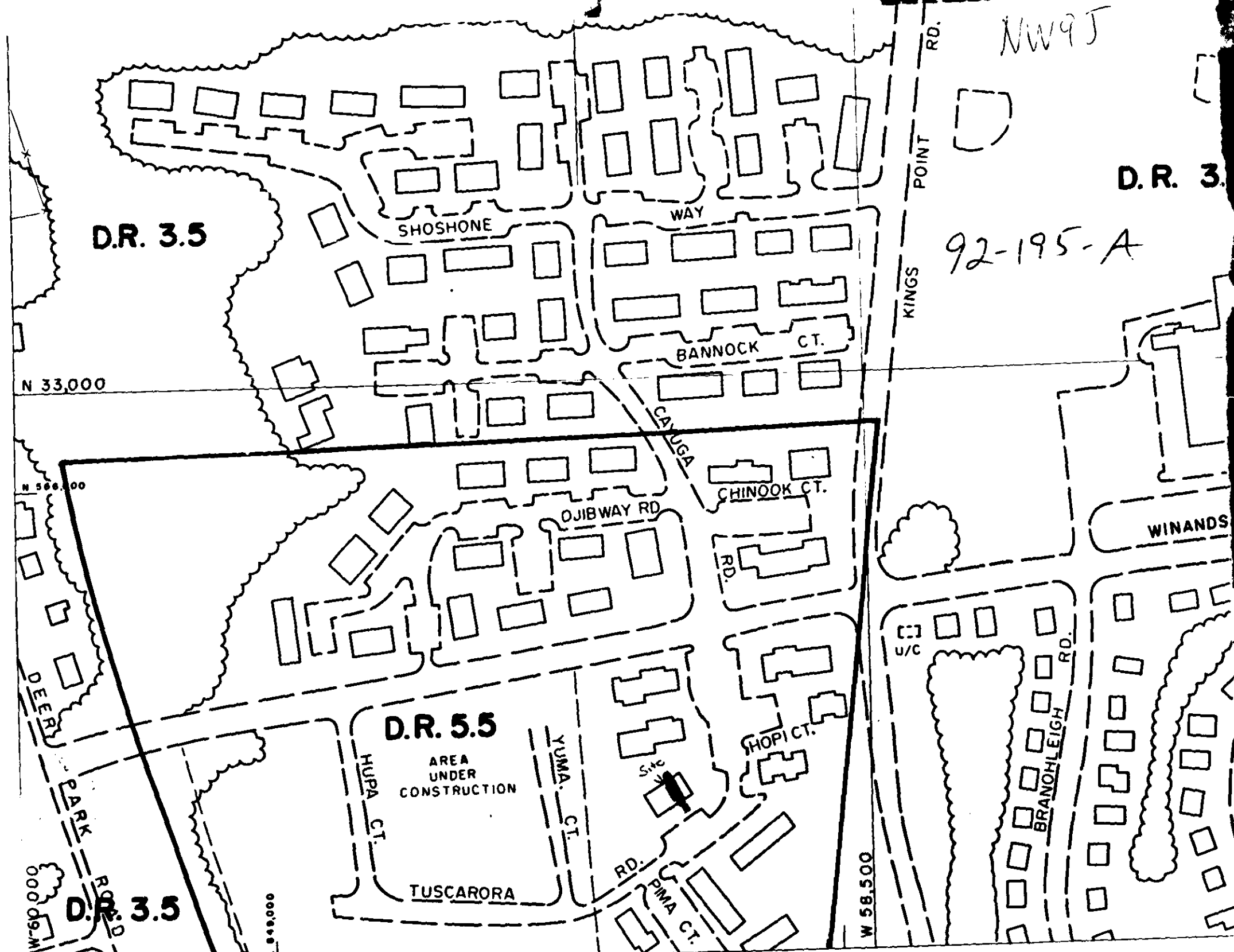
These 2 decks are on houses
located on Yuma Place. The
picture was taken from my back
yard

Yuma Court
RECEIVED
NOV 18 1991

ZONING OFFICE

92-195-A





Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9936 Tuscarora Road

Subdivision name: Twelve Trees

plat book # 44 folio 553 lot # 125 section # 04

OWNER: Terr. F. Clayton

see pages 5 & 6 of the CHECKLIST for additional required information

92-195-A

North arrow pointing up and slightly left.

Diagram showing property boundaries and features: BASEMENT STEPS 10' R., IRON FENCE, WALKERS, CONG. PORCH 5'4" x 4'0", CONG. WALK, TUSCARORA ROAD (Proposed Road - 60.3' ± C. to C.), WOOD STEPS, 100' x 7'0' CONG. PORCH, 2000' x 55' 50' 51" E, 2000' x 55' 50' 51" W, 2000' x 55' 50' 51" E, 2000' x 55' 50' 51" W.

LOCATION INFORMATION

Councilmanic District: 2

Election District: 02

1"=200' scale map: NW-93

Zoning: R-1

Lot size: 0.0343 acreage 1581 square feet

SEWER: ☒ WATER: ☒ Chesapeake Bay Critical Area: ☒ Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: DAE ITEM #: 272 CASE#:

Scale of Drawing: 1" = 20'

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	HARRISONVILLE	NW
DATE OF PHOTOGRAPHY JANUARY 1986	VICINITY	9-J